

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

QUENTIN C. LASTER,

Plaintiff,

Case No. 05-71140

v.

District Judge John Corbett O'Meara  
Magistrate Judge R. Steven Whalen

DR. GEORGE PRAMSTALLER, et al.,

Defendants.

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**ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL**

Plaintiff, a *pro se* prison inmate in this civil rights action brought under 42 U.S.C. §1983, has filed a petition for appointment of counsel [Docket #s 14 and 15] <sup>1</sup>, and a combined request for counsel and motion to extend time to answer Defendants' motion to dismiss [Docket #21].

Unlike criminal cases, there is no constitutional or statutory right to the appointment of counsel in civil cases. Rather, the Court requests members of the bar to assist in appropriate cases. In *Lavado v. Keohane*, 992 F.2d 601, 605-606 (6<sup>th</sup> Cir. 1993), the Sixth Circuit noted that "[a]ppointment of counsel in a civil case is not a constitutional right. It is a privilege that is justified only by exceptional circumstances." (Internal quotations and

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<sup>1</sup> Docket #s 14 and 15 are the same document. It is unclear why this was docketed twice.

citations omitted).

It is the practice of this Court to defer any attempt to obtain counsel for *pro se* civil rights Plaintiffs until after motions to dismiss or motions for summary judgment have been denied. On February 9, 2006, the undersigned filed a Report and Recommendation that the case be dismissed without prejudice. Until the District Judge issues a final decision on the Report and Recommendation, Plaintiff's motion to appoint counsel is premature. If Plaintiff's claims survive Defendant's dispositive motion on District Court review, he may renew his motion for appointment of counsel at that time.

Further, the undersigned has read and considered the Answer to Motion to Dismiss filed with the motion to extend time [Docket #21], and will grant the motion to extend time to the date the answer was actually filed.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's petition for appointment of counsel [Docket Nos. 14, 15 and 21] are **DENIED WITHOUT PREJUDICE**.

**IT IS FURTHER ORDERED** that Plaintiff's motion to extend time [Docket #21] is **GRANTED**.

S/R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

Dated: February 10, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on February 10, 2006.

S/G. Wilson

Judicial Assistant